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Remarks

Reconsideration of remaining claims 31, 33 and 34 is respectfully requested.

In the Office action dated April 8, 2005, the Examiner rejected various ones of the claims under 35 USC §§ 112, second paragraph, 102(e) and 103(a). The Examiner's specific rejections will be discussed below in the order appearing in the Office action.

35 USC § 112, second paragraph Rejection - Claim 31

The Examiner first rejected independent claim 31 under 35 USC 112, second paragraph as having an "insufficient antecedent basis" for the phrase "the presence or absence" as appears in the claim. In response, applicants have amended claim 31 to specifically define the use of a "first unique ID number" in the *presence* of a voicemail message and a "second unique ID number" in the *absence* of a voicemail message. With this amendment, applicants assert that the Examiner's rejection has been fully met. Applicants thus respectfully request the Examiner to reconsider this rejection and find amended claim 31 to be in condition for allowance.

35 USC § 102(e) Rejection - Claims 31-33

Claims 31-33 were next rejected by the Examiner under 35 USC 102(e) as anticipated by US Publication 2002/0031211 (Fullarton et al.). In particular, the Examiner cited Fullarton as teaching "a method of providing message notification in a telephone network", as defined by applicant's pending claims.

In response, applicants assert that Fullarton et al. does not disclose or suggest any method of providing message notification that uses a "first unique ID number" when voicemail is present, and a "second unique ID number" when voicemail is absent, as defined by now-amended claim 1. As discussed in the specification at paragraph [0023], "a unique caller-ID may be used to indicate the presence of a 'new message' and another

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unique caller-ID may be used to indicate 'no new message'". The Fullarton et al. disclosure merely teaches the use of a "programmable" CPE that allows for the multiple appearances to be modified as the users change identity. There is no teaching of providing message waiting in the manner associated with the subject matter of the present invention as defined by amended claim 31, or remaining claim 33. Applicants thus respectfully request the Examiner to reconsider this rejection and find remaining, amended claims 31 and 33 to be in condition for allowance.

35 USC § 103(a) Rejection - Claim 34

Lastly, the Examiner rejected claim 34 under 35 USC 103(a) as being unpatentable over Fullarton et al. (as applied above), in further view of US Patent 5,894,504 (Alfred et al.). The Alfred et al. reference was cited by the Examiner as teaching "an advanced call waiting and messaging system" including the step of "interrupting a responding step to a CPE device or telephone set ... in response to an incoming call". The Examiner then concluded that "it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of [Fullarton et al.] to include providing call-waiting in the telephone network, and interrupting the responding step in response to an incoming call by detecting one of a caller-ID signal and an in-band call-waiting tone as taught by Alfred".

In response, applicants disagree with the Examiner's characterization of Alfred et al. and with the conclusion that the combination of Fullarton et al. and Alfred et al. renders obvious the subject matter of the present invention. In particular, the Alfred et al. reference is directed to displaying caller ID information associated with a second call when the called party is already engaged in a first call. In contrast, the subject matter of the present invention is defined as "interrupting" the process of checking for messages when an incoming call is detected. There is no "first call" in progress in the sense of the Alfred et al. reference, nor is there a "display" of caller-ID information associated with a "second call".

Further, applicants assert that Fullarton et al. is not applicable for the reasons discussed above.

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Based on this information, therefore, applicants assert that claim 34, as amended, is allowable over the combination of Fullarton et al. and Alfred et al. Applicants thus respectfully request the Examiner to reconsider this rejection and find claim 34 (as amended) to be in condition for allowance.

In summary, the present application now contains claims 31, 33 and 34. Various ones of the claims have been amended to better define the subject matter of the present invention, with claim 32 being cancelled. Applicants believe that with these amendments the case is now ready to issue and respectfully request an early and favorable response from the Examiner in that regard. If for some reason the Examiner does not agree with the applicants' findings, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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